

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL L. WEIBEL,

No. C 11-04281 CW (PR)

Petitioner,

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

v.

MICHAEL HENNESSY, Sheriff, San  
Francisco County,

Respondent.

On August 30, 2011, Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He also filed a completed in forma pauperis application and his prisoner trust account statement; however, he did not file his certificate of funds signed by prison officials. On the same day the action was filed the Court sent a notification to Petitioner informing him that his action could not go forward until he paid the filing fee or filed a certificate of funds signed by prison officials. The Clerk of the Court sent Petitioner a blank in forma pauperis application and told him that he must pay the fee or return a completed application along with the signed certificate of funds within thirty days or his action would be dismissed.

On September 2, 2011, the Court received from Petitioner a letter stating that he was having trouble obtaining a copy of his certificate of funds. The letter was mailed on August 28, 2011, two days before the Court sent Petitioner the above notice providing him an additional thirty days to file a signed certificate of funds.

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1 More than thirty days have passed since the Court's notice was  
2 sent to Petitioner, and Petitioner has not paid the filing fee,  
3 returned the signed certificate of funds or otherwise communicated  
4 with the Court. Accordingly, this action is DISMISSED WITHOUT  
5 PREJUDICE. The Clerk of the Court shall close the file.

6 IT IS SO ORDERED.

7 Dated: 10/7/2011



CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL L WEIBEL,

Plaintiff,

v.

MICHAEL HENNESSY et al,

Defendant.

Case Number: CV11-04281 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 7, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael L. Weibel AG7988  
P.O. Box 2210  
Susanville, CA 96127

Dated: October 7, 2011

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk

United States District Court  
For the Northern District of California